IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No.8667 of 2005

Between:

K. Nagabhushanam, S/o. Not Known, Eguva Vaddepalli, Guntimadugu (Post & Village) Rayachoti Mandal,
Cuddapah District.

..... PETITIONER

AND

1 The Station House Officer, Rayachoti Rural Police Station,

Cuddapah District.
2 The Superintendent of Police, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce the Kunchala Raja, Kunchala Pedda Venkataramana, Avulakunta Gangulamma and Naganna, all are R/o. Eguva Vaddepalli, Guntimadugu (Post & Village), Rayachoti Mandal, Cuddapah District, who were illegally arrested by the Police Personnel of Rayachoti Rural Police Station, on 14-04-2005 and set them at liberty forthwith and to pass such other or further orders as this Hon’ble Court may deem fit and proper in the

circumstances of the case.

Counsel for the Petitioner : FAX MESSAGE

Counsel for the Respondents : THE ADVOCATE GENERAL

The Court made the following :

ORAL ORDER: (Per Hon'ble Sri Justice B.Sudershan Reddy)

In the counter-affidavit filed by the Circle Inspector of Police, Rayachoti Rural Circle, Kadapa district, it is *inter alia* stated that the alleged detenus 1 and 2 by name Kunchala Raja and Kunchala Pedda Venkataramana, who are also called Kunchapu Raja and Kunchapu Peddanna, were brought to the Rayachoti Rural Police Station at 6 p.m. on 16-04-2005 in connection with Crime No.19 of 2005 registered under

Section 108 of Code of Criminal Procedure. That after explaining the cause of arrest to the alleged detenus 1 and 2, they were produced before the Mandal Executive Magistrate, Chinnamandem, who was not present in the headquarters. The alleged detenus were released on bail with direction to appear before the Mandal Executive Magistrate on 19-04-2005 at

10.30 a.m. as 17-04-2005 and 18-04-2005 being the public holidays. The alleged detenus 1 and 2 accordingly appeared before the Mandal Executive Magistrate on 19-04-2005 and the learned Magistrate bound over them for keeping good behaviour for a period of six months and released them on executing a personal bond for Rs.50,000/- each vide proceedings in M.C.No.6 of 2005 dated 19-04-2005.

Sofar as the alleged detenus 3 and 4 are concerned, it is stated in the counter-affidavit that they are residents of

Eguva Vaddepalle, H/o Guntumadugu village, and they were not taken into custody by any police personnel and they are attending to their regular day-to-day work. At the request of the deponent, the Panchayat Secretary, Katimayakunta Gram

Panchayat, Rayachoty Mandal, secured the presence of alleged detenus 3 and 4 and in his presence, their statements were recorded, and the copies of the statements are made available for perusal of the Court. It is thus clear that the alleged detenus 3 and 4 were not taken into custody.

Since the alleged detenus 1 and 2 have already been produced before the Mandal Executive Magistrate concerned and released on furnishing the bond and detenus 3 and 4 have not been taken into custody, no further orders in this habeas corpus petition are required to be issued. The writ petition is accordingly closed.

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B.SUDERSHAN REDDY, J

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C.V.RAMULU, J

26-04-2005

bsc

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Station House Officer, Rayachoti Rural Police Station,

Cuddapah District.

2 The Superintendent of Police, Cuddapah District.

3 2 CCs to the learned Advocate General, High Court of A.P.,

Hyderabad (OUT)

4 2 CD copies